

III. REMARKS

Claims 1-29 are presented and are subject to restriction. New claim 30 is presented.

The examiner has required restriction among three groups, as follows:

Group I claims 1-16 drawn to compounds of formula (I)

Group II, claims 17-18 drawn to a process of preparing the compounds of formula (I)

Group III, claims 19-24, drawn to a medicament comprising a compound of formula (I)

Group IV, claims 25-29, drawn to the use of a compound of formula (I)

Applicant traverses this restriction requirement, in particular as it pertains to the separation of Groups I and III. The examiner states that Groups I and III are related as product and process of use. This is only partially correct.

Groups I and claim 19 of Group III are related as the inventive compound and the inventive compound in combination with conventional components. The burden on the examiner of searching the additional class is *de minimus* because, once the existence of the compound is found to be novel, the combination of the inventive compound with the ancillary components, *ipso facto*, will be inventive.

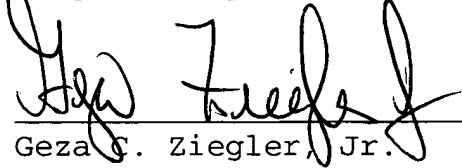
Applicant therefore solicits the examiners reconsideration of the separation of Groups I and claim 19 of Group III.

Notwithstanding the above, applicant elects group I drawn to compounds. With respect to election of a single representative compound applicant elects the first identified compound in claim 16, 4-fluoro-benzenesulfonic acid 1-[trans-bis-(4-chlorophenyl)-methyl]-2-methyl-azetidin-3-yl ester. The structure of this compound is provided in table I, Example 1 on page 63 of the specification.

Applicant reserves the right to file divisional applications claiming any subject matter non-elected and/or withdrawn or cancelled from this application.

Enclosed is a check in the amount of \$50.00 for an extra claim fee. The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,




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30 JAN 2004
Date

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date indicated below as first class mail in an envelope addressed to Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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